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10 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. **2011-982**

14 **PATRICIA ANN TABER**  
20722 Verde Vista Lane  
15 Saratoga, CA 95070

**ACCUSATION**

16 **Registered Nurse License No. RN 250456**  
17 **Public Health Nurse Certificate No. PHN**  
**24168**

18 Respondent.

19  
20 Complainant alleges:

21 **PARTIES**

22 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
23 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
24 Consumer Affairs.

25 2. On or about December 31, 1974, the Board of Registered Nursing issued Registered  
26 Nurse License Number RN 250456 to Patricia Ann Taber (Respondent). The Registered Nurse  
27 License was in full force and effect at all times relevant to the charges brought herein and will  
28 expire on October 31, 2012, unless renewed.

3. On or about February 18, 1977, the Board of Registered Nursing issued Public Health Nurse Certificate Number PHN 24168 to Patricia Ann Taber (Respondent). The Public Health Nurse Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2012, unless renewed.

## JURISDICTION

4. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

## STATUTORY PROVISIONS

5. Section 2708.1 of the Business and Professions Code (Code) states that protection of the public shall be the highest priority for the Board of Registered Nursing in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

6. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

7. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

8. Section 2761 of the Code states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

...

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be

1 conclusive evidence thereof.

2 ...

3 9. Section 2762 of the Code states:

4 In addition to other acts constituting unprofessional conduct within the meaning of this  
5 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this  
6 chapter to do any of the following:"

7 ...

8 (b) Use any controlled substance as defined in Division 10 (commencing with Section  
9 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in  
10 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to  
11 himself or herself, any other person, or the public or to the extent that such use impairs his or her  
12 ability to conduct with safety to the public the practice authorized by his or her license.

13 (c) Be convicted of a criminal offense involving the prescription, consumption, or  
14 self-administration of any of the substances described in subdivisions (a) and (b) of this section,  
15 or the possession of, or falsification of a record pertaining to, the substances described in  
16 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence  
17 thereof.

18 ...

19 10. Section 490 of the Code provides, in pertinent part, that a board may suspend or  
20 revoke a license on the ground that the licensee has been convicted of a crime substantially  
21 related to the qualifications, functions, or duties of the business or profession for which the  
22 license was issued.

23 11. Section 118, subdivision (b), of the Code provides that the suspension/expiration  
24 /surrender/cancellation of a license shall not deprive the Board of jurisdiction to proceed with a  
25 disciplinary action during the period within which the license may be renewed, restored, reissued  
26 or reinstated.

27 12. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
28 administrative law judge to direct a licensee found to have committed a violation or violations of

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
2 enforcement of the case.

3 REGULATORY PROVISIONS

4 13. California Code of Regulations, title 16, section 1444, states:

5 "A conviction or act shall be considered to be substantially related to the qualifications,  
6 functions or duties of a registered nurse if to a substantial degree it evidences the present or  
7 potential unfitness of a registered nurse to practice in a manner consistent with the public health,  
8 safety, or welfare. . . ."

9 14. California Code of Regulations, title 16, section 1419, sets forth in relevant part  
10 herein, that:

11 (a) A renewal application shall be on the form provided by the board, accompanied by the  
12 fee specified in Section 1417(a)(3) and required information and filed with the board at its office  
13 in Sacramento.

14 (b) For a license that expires on or after March 1, 2009, as a condition of renewal, an  
15 applicant for renewal not previously fingerprinted by the board, or for whom a record of the  
16 submission of fingerprints no longer exists, is required to furnish to the Department of Justice, as  
17 directed by the board, a full set of fingerprints for the purpose of conducting a criminal offender  
18 record information search conducted through the Department of Justice. Failure to submit a full  
19 set of fingerprints to the Department of Justice on or before the date required for renewal of a  
20 license is ground for discipline by the board. It shall be certified on the renewal form whether the  
21 fingerprints have been submitted. This requirement is waived if the license is renewed in an  
22 inactive status, or the licensee is actively serving in the military outside the country.

23 . . .

24 CAUSE FOR DISCIPLINE

25 (Substantially Related Conviction)

26 15. Respondent is subject to disciplinary action under sections , 2761(a), 2761(f),  
27 2762(b), 2762(c), 2762(d), and/or 490, as defined in section 1444, title 16, of the California Code  
28 of Regulations, and pursuant to section 1419, title 16, of the California Code of Regulations, in

1 that on or about September 25, 2003, before the State of Michigan District Court, Judicial District  
2 No. 45/A, County of Oakland, in the case entitled *The People of the State of Michigan vs.*  
3 *Patricia Ann Taber*, Case No. 03-79173, Respondent was convicted by her plea of Nolo  
4 Contendere to misdemeanor violations of Michigan State law governing operation of a vehicle  
5 while being under the influence of intoxicating liquor, or while having an alcohol content of 0.10  
6 grams or more per 100 milliliters of blood, to wit: MCL 257.625(1) and MSA  
7 9.2325(1).[257.6251-A]; and also for being the driver of a vehicle who knew or should have  
8 known or had reason to believe that she had been involved in an accident. The Respondent was  
9 sentenced to serve 1 year probation and ordered to pay fines and fees in entire amount or in  
10 monthly installments of no less than 10% of the sum each month, with the final payment due by  
11 the 10th month of probation. The Court directed Respondent to attend two AA meetings each  
12 week and provide her probation officer with signed attendance sheet for each meeting; ordered  
13 Respondent not to carry, store or consume any alcoholic beverages nor frequent any business  
14 where alcohol is sold by the glass for consumption on the premises; and to be subject to random  
15 PBT screenings on demand of her probation officer. The Court also ruled that Respondent could  
16 not leave the state of Michigan until all fines and costs were paid in full and until she completed a  
17 minimum of 60 AA meetings and the PBTs. On or about June 1, 2004, the Court granted  
18 Respondent's request for an early discharge of probation so that she could move back to  
19 California. The circumstances are as follows:

20 a. On or about September 30, 2010, Respondent submitted her application for renewal  
21 of her Registered Nurse's license, including fingerprints for the purpose of a criminal history  
22 check as required by section 1419(b) of the California Code of Regulations, title 16.  
23 Consequently, the Board received information regarding Respondent's arrest and conviction  
24 while licensed in both California and the state of Michigan, to wit: on or about March 17, 2003,  
25 in the state of Michigan, Public Safety officers responded to a dispatch report of a collision  
26 between two vehicles with further reports that the driver of the striking vehicle fled the scene.  
27 Officers were able to locate the driver, identified as Respondent, and her damaged car at her  
28 residence. Officers described finding her laying down on her couch with a blanket pulled over

1 herself. Next to the couch was a bucket with vomit and 9 empty bottles of Vodka-Fifths.  
2 Respondent was unresponsive to questions, would not open her eyes and fell to the floor while  
3 attempting to sit up on the couch. The officers observed that Respondent would open and close  
4 her eyes, that her eyes appeared extremely red and glossy, that she had a strong odor of alcohol  
5 on her breath and that she was unable to stand even with assistance. Respondent was taken to a  
6 hospital where public safety officers arrived with a warrant to take a blood draw. The results of  
7 the draw indicated that Respondent had 0.52 grams of alcohol per 100 milliliters of blood in her  
8 bloodstream.

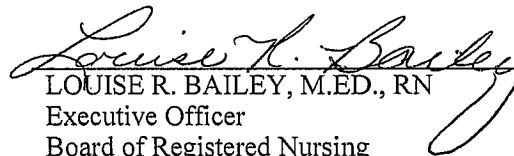
9 PRAYER

10 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
11 and that following the hearing, the Board of Registered Nursing issue a decision:

- 12 1. Revoking or suspending Registered Nurse License Number RN 250456, issued to  
13 Patricia Ann Taber;  
14 2. Revoking or suspending Public Health Nurse Certificate Number PHN 24168, issued  
15 to Patricia Ann Taber;  
16 3. Ordering Patricia Ann Taber to pay the Board of Registered Nursing the reasonable  
17 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
18 Code section 125.3;  
19 4. Taking such other and further action as deemed necessary and proper.  
20

21 DATED: \_\_\_\_\_

6/13/11

  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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